

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 229
HOUSE BILL 2449

AN ACT

AMENDING SECTIONS 49-474.03 AND 49-551, ARIZONA REVISED STATUTES; RELATING
TO AIR QUALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 49-474.03, Arizona Revised Statutes, is amended to read:

49-474.03. Voluntary vehicle repair and retrofit program;
criteria; fund; report

A. A county with a population of more than four hundred thousand persons according to the most recent United States decennial census shall operate and administer a voluntary vehicle repair and retrofit program in the county. The county shall coordinate the program with the department of environmental quality and the department of transportation. A vehicle owner's participation is voluntary. The county may contract with an independent contractor to develop and implement all or any portion of the program. The program shall provide for real and quantifiable emissions reduction based on actual emissions testing performed on the vehicle before repair or retrofit.

B. A vehicle owner may participate in the program if all of the following criteria are met:

1. The owner is willing to participate in the program.

2. The vehicle being repaired or retrofitted is functionally operational.

3. The vehicle being repaired or retrofitted is titled in this state, has taken the emissions inspection test pursuant to section 49-542, subsection A, has been registered during the immediately preceding twelve months and has not been unregistered for more than sixty days.

4. The vehicle being repaired or retrofitted is at least twelve years older than the current calendar year.

5. The vehicle is required to take the emissions inspection test and the vehicle fails the emissions test in the emissions inspection results portion of the test. The vehicle owner shall apply to the program not more than sixty days after failing the test.

6. The emissions control system has not been tampered with.

7. The emissions control system has not been removed or disabled, in whole or in part.

8. The vehicle is taken to a participating repair facility. Any repairs performed at an unauthorized repair facility are not eligible for payment.

9. Participation in the program is limited to one vehicle per owner.

10. Motor homes, motorcycles, salvage vehicles and fleet vehicles are not eligible to participate in the program.

C. Notwithstanding subsection B OR D of this section, diesel powered motor vehicles with a gross vehicle rating of more than eight thousand five hundred pounds, that are registered in area A or B, as defined pursuant to section 49-541, and that fail any random roadside vehicle test conducted by the state OR THAT FAIL THE EMISSIONS TEST CONDUCTED PURSUANT TO SECTION 49-542 are eligible for up to one thousand dollars in repair or retrofit

1 costs from the program. Qualified vehicle owners pursuant to this subsection
2 shall be responsible for one-half of the costs of the qualified repairs and
3 the other half of the costs shall be funded from the program up to one
4 thousand dollars. No more than twenty per cent of the program funds in any
5 year may be used for the purposes of this subsection.

6 D. The county shall operate and administer an emissions control repair
7 and retrofit program in cooperation with the department that provides that:

8 1. Vehicle owners who qualify for the repair and retrofit program
9 shall pay the first one hundred fifty dollars as a copayment.

10 2. Vehicles that require more than seven hundred dollars in repair
11 costs are not eligible unless the vehicle owner chooses to pay additional
12 costs.

13 3. A vehicle that is able to accept a retrofit kit shall have a
14 retrofit kit installed. A vehicle that requires more than eight hundred
15 dollars in aggregated retrofit parts and labor costs is not eligible for the
16 program unless the vehicle owner pays the additional costs.

17 E. A county with a population of more than one million two hundred
18 thousand persons shall operate and administer a program to replace catalytic
19 converters on motor vehicles that fail to meet emissions standards due to
20 failure of the catalytic converter system if that failure is not the result
21 of tampering.

22 F. The voluntary vehicle repair and retrofit program fund is
23 established. The director shall administer the fund. Not more than five per
24 cent of the monies in the fund may be used for the purpose of educating the
25 general public about the program and eligibility for the program. The fund
26 consists of monies from the following sources:

27 1. Monies appropriated by the legislature.

28 2. Monies appropriated by political subdivisions.

29 3. MONIES DEPOSITED PURSUANT TO SECTION 49-551, SUBSECTION B.

30 ~~3.~~ 4. Gifts, grants and donations.

31 G. By December 1 of each year the county shall prepare and submit a
32 progress report to the department of environmental quality, the department
33 of transportation, the speaker of the house of representatives, the president
34 of the senate, the governor, the secretary of state and the director of the
35 Arizona state library, archives and public records on the voluntary vehicle
36 repair and retrofit program that contains at least the following information:

37 1. The number of vehicles repaired or retrofitted by model year.

38 2. The cost-effectiveness of the program in terms of dollars spent per
39 ton of vehicle emissions reductions.

40 3. Any recommendations for improving the effectiveness of the program.

41 4. The administrative costs of the program.

42 Sec. 2. Section 49-551, Arizona Revised Statutes, is amended to read:
43 49-551. Air quality fee; air quality fund; purpose

44 A. Every person who is required to register a motor vehicle in this
45 state pursuant to section 28-2153 shall pay, in addition to the registration

1 fee, an annual air quality fee at the time of vehicle registration of one
2 dollar fifty cents. UNLESS AND UNTIL THE UNITED STATES ENVIRONMENTAL
3 PROTECTION AGENCY GRANTS A WAIVER FOR DIESEL FUEL PURSUANT TO SECTION
4 211(c)(4) OF THE CLEAN AIR ACT, EVERY PERSON WHO IS REQUIRED TO REGISTER A
5 DIESEL POWERED MOTOR VEHICLE IN THIS STATE WITH A GROSS VEHICLE WEIGHT RATING
6 OF MORE THAN EIGHT THOUSAND FIVE HUNDRED POUNDS PURSUANT TO SECTION 28-2153
7 AND EVERY PERSON WHO IS SUBJECT TO AN APPORTIONED FEE FOR DIESEL POWERED
8 MOTOR VEHICLES COLLECTED PURSUANT TO TITLE 28, CHAPTER 7, ARTICLES 7 AND 8
9 SHALL PAY AN ADDITIONAL APPORTIONED DIESEL FEE OF TEN DOLLARS.

10 B. The registering officer shall collect the fees and immediately
11 deposit, pursuant to sections 35-146 and 35-147, the air quality fees in the
12 air quality fund established pursuant to subsection C of this section AND
13 SHALL DEPOSIT THE DIESEL FEES IN THE VOLUNTARY VEHICLE REPAIR AND RETROFIT
14 PROGRAM FUND ESTABLISHED PURSUANT TO SECTION 49-474.03.

15 C. An air quality fund is established consisting of monies received
16 pursuant to this section, gifts, grants and donations, and monies
17 appropriated by the legislature. The department of environmental quality
18 shall administer the fund. Monies appropriated for purposes prescribed by
19 paragraph 6 of this subsection and gifts, grants and donations designated for
20 purposes prescribed by paragraph 6 of this subsection shall be accounted for
21 in one separate account within the fund. Monies in the air quality fund
22 shall be used, subject to legislative appropriation, for:

23 1. Air quality research, experiments and programs conducted by or for
24 the department for the purpose of bringing area A or area B into attainment
25 status, improving air quality in areas of this state outside area A or area
26 B and reducing levels of particulate and ozone pollution both inside and
27 outside of vehicle emissions control areas of this state.

28 2. Funding the Arizona clean air fund established by section 41-1516.
29 The sum of two hundred fifty thousand dollars shall annually be transferred
30 to the fund.

31 3. Determining the cause of visual air pollution in counties with a
32 population of four hundred thousand persons or more according to the most
33 recent United States decennial census.

34 4. Conducting the hazardous air pollutants research program and
35 preparing the report as prescribed by section 49-426.08.

36 5. Developing and adopting rules in compliance with sections
37 49-426.03, 49-426.04, 49-426.05 and 49-426.06.

38 6. Conducting a public education program to reduce emissions of ozone
39 forming substances in cooperation with Maricopa county and other affected
40 parties, including private industries. To the extent possible, this program
41 shall be coordinated with other public and private efforts to increase public
42 awareness of air quality issues. In addition, the department shall
43 accelerate pollution prevention technical assistance efforts pursuant to
44 section 49-965, subsection A, paragraph 6. The department shall identify
45 sources that emit ozone forming substances and shall establish a

1 clearinghouse for information on the supply of products that may be used to
2 substitute for substances that contribute to ozone formation.

3 D. No disbursement or expenditure of monies in the air quality fund
4 may be made for any purposes other than those set forth in subsections C, E
5 and G of this section.

6 E. The department of environmental quality shall transfer four hundred
7 thousand dollars from the air quality fund to the department of
8 administration for the purposes prescribed by section 49-588 in eight
9 installments in each of the first eight months of a fiscal year.

10 F. This section does not apply to an electrically powered golf cart
11 or an electrically powered vehicle.

12 G. Monies in the fund do not revert to the general fund. The
13 department may make grants to a regional planning agency, county, city or
14 town located within a vehicle emissions control area or areas which have
15 achieved maintenance status for the purpose of air quality research or
16 implementation of programs designed to accomplish the purposes of this
17 section.

18 Sec. 3. Requirements for enactment; two-thirds vote

19 Pursuant to article IX, section 22, Constitution of Arizona, this act
20 is effective only on the affirmative vote of at least two-thirds of the
21 members of each house of the legislature and is effective immediately on the
22 signature of the governor or, if the governor vetoes this act, on the
23 subsequent affirmative vote of at least three-fourths of the members of each
24 house of the legislature.

APPROVED BY THE GOVERNOR APRIL 23, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2001.

Passed the House March 14, 20 01,

by the following vote: 44 Ayes,

9 Nays, 7 Not Voting
Article IX, Section 22

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 12, 20 01,

by the following vote: 21 Ayes,

8 Nays, 1 Not Voting
With Article IX, Sec. 22

[Signature]
President of the Senate

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20 _____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20 _____,

at _____ o'clock _____ M.

Governor of Arizona

H.B. 2449

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20 _____,

at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 17, 2001,

by the following vote: 41 Ayes,

12 Nays, 7 Not Voting
Article IX, Section 22

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2001,

at 11:06 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 23 day of

April, 2001,

at 6:42 o'clock P M.

[Signature]
Governor of Arizona

H.B. 2449

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 24 day of April, 2001,

at 4:50 o'clock P M.
[Signature]
Secretary of State